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File. No. 77
Serial. No. 1-4.

Sub: Simplification of Inam Settlement " work.

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Incomplete

G. R. S. IX-5]

*Previous references.*

LR 40/78 LR 27/80
" 39/78 " 41/78
" 26/80 " 29/76
" 24/81

*Later references.*

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191.

(Land Rev.)

LR File No. ~~1877~~ 45/~~1877~~

Serial Nos. 1-54

# GENERAL AND REVENUE SECRETARIAT.

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*Serial Nos.* 1-54

Major Part B for

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SUBJECT.

Simplification ~~of Accounts~~ of Inam Settlement work.

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Indexed

K. Narasimha

W D 88—GPB—50,000—24-7-16

from the object for which they were granted; they will be assessed at full rates, unless restored within some fixed period. Lands held for 50 years, whether with or without titles, should be confirmed to the holders on the terms prescribed in the rules, and should not be included in the title-deed of the religious institution. Alienations to disciples should be treated in the same way as other alienations.

2. The Inam Commissioner will be good enough to prepare subsidiary rules, in accordance with the tenor of the above institutions, for the Chief Commissioner's approval and notification.

To—The Inam Commissioner of Mysore.

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From the Offg. Inam Commissioner in Mysore, To the Secretary to the Chief Commissioner of Mysore, General Department, No. 46, dated 25th July 1876.

Your No. 1942—54 of the 2nd ultimo.

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In reply, has the honor to submit for the Chief Commissioner's consideration and orders, copies of letter No. 31 of the 13th instant received from the Superintendent of Inam Settlements and of the draft rules relating to the alienation of devadaya inams.

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From the Inam Superintendent in Mysore, To the Offg. Inam Commissioner in Mysore, No. 31, dated 13th July 1876.

In reply to your docket No. 10 of the 13th ultimo, I have the honor to submit the draft rules relative to the alienation of lands granted to religious or charitable institutions, drawn up in accordance with the tenor of the Offg. Chief Commissioner's instructions, as conveyed in his Proceedings No. 1942—Rev. 54 of the 2nd June 1876.

2. I would propose to add to Rule II that the alienated lands should at once become subject to full assessment during the year of grace allowed, as otherwise the alienee continues to enjoy the land rent free, or on a light jodi, though not fulfilling the terms of the grant.

3. I would also propose that, as the Chief Commissioner's Notification of 1853 prohibited such alienations and specially prescribed the period of one year for the redemption of such lands, all alienations made subsequent thereto should not be recognized; and that the District Officers should in future adopt measures to prevent such alienations.

4. Additional rules to the foregoing effect are annexed for the Chief Commissioner's consideration and orders.

5. I would also solicit orders regarding the alienation of devadaya inam lands made subsequent to the 14th December 1867, the recognition of which has been already prohibited under para 3 of Precis No. 2 and the Chief Commissioner's orders quoted in the margin thereof. Such alienations are not recognized by this department, but instructions are necessary for the revenue authorities to restore such lands.

6. A difficulty will still arise in the case of inam villages, which have been alienated especially by sale. In the case of inam villages, the redemption would be seldom, if ever made, and on fully assessing the village I presume it would not be made over to the alienee as a quasi kayamgutta, though in the case of absolute possession by sale, gift, &c. I do not see how it is to be avoided, leaving the assessment subject to a revision in common with other Government villages. This course would so far meet the difficulty, but as all lands, occupied or unoccupied, would be classed and assessed, the holders would not be prepared to pay the full assessment.

7. With regard to villages held on mortgage, a certain number of years might be fixed in each case to enable the mortgagee to recoup himself, after which the village should revert to the Government absolutely.

8. My own conviction is that in very few cases will such inams be redeemed, or restored to the institutions, except in collusion and with the view of fraudulently retaining the land as inam; and that we are waiving our right to cancel such unauthorized and illegal alienations, and to apply the inams to the purposes for which they were originally granted. The villagers often complain of the unwarranted

*Proceedings of the Chief Commissioner of Mysore, Department of Revenue, Agriculture and Commerce*, 6th November 1877.

From the Inam Superintendent in Mysore, To the Inam Commissioner in Mysore, No. 110, dated Bangalore, 25th Feuary 1876.

I have the honor to request that the orders of the Chief Commissioner may be obtained on the subject of the alienation of the Devadaya and Dharmadya (religious and charitable) grants.

2. It has always been the rule that the alienation of such grants was not to be recognized.

3. During the inam settlement many such temple lands are found to have been alienated by the Pujaris and others who had no right to do so, and to have passed into the enjoyment of other parties who have no connection with the temple or institution. The inams in such cases are confirmed to the institutions subject to the conditions of the grant being fulfilled, and the alienation is declared as invalid and non-recognizable ; but no action has ever been regularly taken to restore such lands to the institution, for the maintenance of which the inams have been specially granted. In most cases, and they are not few, the alienees are in possession of the lands and paying no rent or jodi thereon.

4. Several cases have now arisen, in which the Pujaris, or managers of the temple, have begged for the restoration of the inam lands ; and it has become necessary to declare authoritatively how far such alienations can be recognized, if at all. In the case of village service grants, the alienation is recognized if it had been made previous to the date of the (Chief) Commissioner's *Notification* No. — of 9th September 1835 ; but in the case of devadaya, &c., inams, no such declaration has been made that I am aware of, though I believe that it has always been the practice in this Province not to allow such alienations.

5. I am of opinion that no length of possession under sixty years, under the Limitation Act, should prove a bar to the *summary* restoration by the revenue authorities of the lands to the temple, or other institution. In case of there being clear proof of more than sixty years' adverse possession, the inam tenure should cease and the lands remain in the alienee's enjoyment on full assessment.

6. I may add that in a few cases the Gurus of matts had alienated lands to favorite disciples, &c., and that such alienations have been recognized and the inams treated as personal and charged with the proper quit-rent.

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Memorandum by the Survey and Inam Commissioner of Mysore, No. 401, dated Banavar, 15th March 1876.

With reference to the above, it appears to Colonel Anderson that any restitution of lands unauthorizedly alienated by the managers of religious or charitable institutions at a distant point of time is impossible, and that the possession of such land must be left with the present holder, but should be held by him subject to payment of full assessment.

2. Recent alienations of such lands, on the other hand, it would appear just not to recognize to the detriment of the institution, the alienee may be assumed to have accepted the risk of the transaction being at some time called in question and can seek for compensation from a civil court.

3. The chief difficulty appears to be the fixing on the period of alienation which shall preclude restitution. Major Cole suggests sixty years. This time appears somewhat distant, and difficulty in finding proof of so long enjoyment when land had been really alienated quite as long, might easily occur. Moreover the land was granted for a certain purpose, and if alienated so long as sixty years ago it is not very probable that the purpose is now being fulfilled, or if still fulfilled would not continue to be so without the endowment in question.

4. With reference to the last para of Major Cole's letter, it appears to the Inam Commissioner that if an endowment is granted specially to an institution, it should not be allowed to be alienated to any one, and that no difference in the treatment of alienees, whether disciples or otherwise, is called for.

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Proceedings of the Chief Commissioner of Mysore, No. 1942—R. 54, dated 2nd June 1876.

Order thereon.—The Officiating Chief Commissioner is of opinion that all lands granted to religious or charitable institutions should be continued to them so long as they are applied to their maintenance. A notice should then be served upon any alienees of such lands, stating that *as they had been diverted*

of their enjoyment subject to the one restriction that he should not commit waste or devastation to the prejudice of the interests of the institution to which the lands are ultimately to revert.

5. A clause has been added simply declaring that a mortgage or hypothecation of devadaya lands without possession is null and void in so far as it is intended to create a lien on the lands for the repayment of the loan advanced. It seems unnecessary to state that the mortgagee will be at liberty to recover the debt due to him by recourse to law as nothing could prevent him from doing so, provided the claim is not barred by limitation.

6. The word "Exchange" has been omitted from the category of alienations, as an exchange cannot be viewed in the same light as a sale, gift or mortgage, for it may be that the exchange was for the benefit of the institution. The land obtained in exchange should, therefore, Mr. Saunders considers, be confirmed to the institution and that which has been resigned continued to the present holder on payment of full assessment.

7. In the case of inam villages alienated by sale, Major Cole states that redemption would seldom, if ever, take place, and presumes that on fully assessing the villages they would not be made over to the alienees as "quasi kayamgutta." It appears to the Chief Commissioner that if the villages are fully assessed, they may be treated as Palyas paying kandayam, and therefore subject to a compulsory survey and to revision of assessment once in thirty years. The rule has been amended accordingly.

8. With regard to Major Cole's suggestion that, in the case of lands held on mortgage, a certain number of years might be fixed in each case to enable the mortgagee to recoup himself before the village should revert to Government absolutely, it is not clear why the inams should revert to Government, if, during the settlement, they are confirmed to and registered in the name of the institution.

9. In Rule III, an addition has been made to the effect that the fifty years' enjoyment which would entitle the holder to absolute confirmation of his title should be computed up to 14th December 1867, the date on which the Land Inam Rules were promulgated.

10. Rule [illegible] retained, the wording being slightly altered.

11. Rule V has been omitted, as its provisions have been embodied in Rule II as now amended, and the question as to whether an alienee should be referred to a civil court for the recovery of the money due to him has been disposed of in para 5 above.

12. The Chief Commissioner doubts the propriety of retaining Rule VI. He does not consider it necessary or expedient to interfere in order to punish the manager or pujari of a temple who had alienated the devadaya property. If he is proved to have wilfully wasted the temple properties and to have misappropriated the moneys borrowed for his own purposes, his removal may be ordered. But this is a matter which may be dealt with by the Muzrayi Officer, each case being disposed of on its merits.

13. Ordered that the draft rules as now amended be communicated to the Inam and Survey Commissioner for any remarks he may desire to offer on the subject.

To—The Survey Commissioner.
" Superintendent of Inam Settlements.

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DRAFT AMENDED RULES.

I. All inam lands granted to religious and charitable institutions, and for the maintenance of persons rendering service therein, will be confirmed and continued to them, so long as the conditions of the grant are duly fulfilled.

II. Whenever it is found that such devadaya lands are diverted from the object for which they were granted, by means of sale, gift, mortgage or otherwise, the following rules shall be observed :—

A. Where such alienations were made prior to the 31st January 1853, but within 50 years from this date, the lands or villages so alienated will, if not restored voluntarily by the holder, be subjected to a jodi of one-half the assessment during the currency of the existing 30 years' settlement, and treated as lands or villages paying kandayam to Government ; the jodi or assessment so imposed being payable to the institution from which they were alienated.

*Proceedings of the Chief Commissioner of Mysore, Department of Revenue, Agriculture and Commerce, 17th November 1877.*

alienations of the lands of their temples, and, in their ignorance and superstition, ascribe the cause of all their earthly ills to the consequent neglect of their religious services.

Draft Rules for the maintenance of the Religious and Charitable Institutions in Mysore.

I. All inam lands granted to religious and charitable institutions, and for the maintenance of persons rendering service therein, will be continued to them, so long as the conditions of the grant are duly fulfilled.

II. Whenever it is found that such devadaya lands are diverted from the object for which they were granted, by means of sale, gift, mortgage, exchange or otherwise, a notice will be served upon the alienees, stating that such lands will be resumed and fully assessed by Government, unless restored within one year from the date of the service of the notice.

III. Lands held for 50 years and upwards, with or without titles, will be confirmed to the holders on the terms prescribed in the Land Inam Rules, and will not be included in the title-deed granted by the Inam Department to the religious institutions.

IV. No distinction will be made between the alienations to disciples of religious institutions and others. Both will be treated in the same manner.

Appendix to Para 4.

V. Alienations of inam lands made subsequent to the date of the promulgation of the Chief Commissioner's Notification, forwarded to the Superintendents of Divisions with Circular No. 1 of the 31st January 1853 (*vide* page 312 of the Compilation of revenue accounts and orders in force in Mysore) will not be recognized, and in such cases the inam lands will be summarily restored to the institutions by the revenue authorities, under instructions from the Inam Department, and the alienees can proceed to recover, through the civil courts, any sum that may be due to them from the alienators on account of the transaction.

VI. All persons who may have been engaged in so alienating devadaya inams subsequent to 1853 will be liable to removal from their offices and charge of the institutions.

VII. The District Officers will enquire annually whether such inam lands in the settled taluks are applied to the purposes for which the grant had been originally allowed and finally confirmed by the Inam Department, and will prevent any such alienations in future.

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Proceedings of the Chief Commissioner of Mysore, No. 5779—Rev. 181, dated Bangalore, 13th September 1876.

Order thereon.—The Offg. Inam Commissioner submits, for approval, draft rules providing for the settlement of inam lands or villages granted to religious or charitable institutions, drawn up in accordance with the Chief Commissioner's Proceedings No. 1942—54 of the 2nd June 1876.

2. A verbal amendment has been made in Rule I by the insertion of the words "confirmed and" before "continued."

3. With regard to Rule II the Chief Commissioner observes that a distinction ought to be maintained between alienations made prior to the promulgation of this Office Circular of 31st January 1853, and those made subsequent to the said date. In the former case, the lands so alienated might, if not restored voluntarily by the holder, be subjected to a jodi of one-half the assessment, during the currency of the existing thirty years' settlement, the jodi so imposed being payable to the institution from which it was alienated. In the latter case, the lands may be summarily resumed and restored to the institution, if the alienee fails to restore them voluntarily within six months from the date on which a notice may be served on him or on his agent or manager, who may be in charge of the property.

4. Major Cole suggests that, during the period of grace, the alienated lands should at once become subject to full assessment, as the alienee, who does not fulfil the terms of the grant, is not entitled to enjoy the land rent-free or on a light jodi. The object of allowing the alienee a period of grace is, it is understood, to enable him to make arrangements for the recovery of money due to him, and it is nothing but fair that, during the period allowed for the restoration of the inams, he should have the full benefit

B. In the case of alienations made subsequent to 31st January 1853, a notice will be issued to the alienee or alienees requiring him or them to restore the lands to the institution to which they belong within 6 months from the date on which the notice is served on the alienee or alienees, or his or their agent or manager who may be in charge of the lands, and on default of compliance, the lands will be summarily resumed and restored to the institution by the Revenue authorities under instructions from the Inam Superintendent.

C. In the case of a simple mortgage or hypothecation of the devadaya lands, without possession, the transaction will be declared null and void in so far as it is intended to create a lien on the devastan lands or to treat them as security for the loan advanced.

III. Lands held for 50 years and upwards, with or without titles, computing the period of possession up to 14th December 1867, will be confirmed to the holders on the terms prescribed in the Land Inam Rules, and will not be included in the title deed granted by the Inam Department to the religious institutions.

IV. The alienations, whether made in favor of disciples of the institution or others unconnected with it, will be treated alike, and disposed of under these rules.

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From the Superintendent of Inam Settlements, To the Secretary to the Chief Commissioner of Mysore, General Department, No. 85, dated Bangalore, 28th November 1876.

Adverting to the Chief Commissioner's Proceedings No. 5779—181 of the 13th September 1876, I have the honor to submit the following remarks, for consideration, relative to the draft amended rules therein alluded to.

2. In clause A of Rule II the period of 50 years of the continuancy of the alienation is to be reckoned from this year, September 1876, whilst the 50 years of enjoyment under Rule III is to be computed up to 14th December 1867. In many cases these rules will be found to clash, and I would suggest that the same period, *viz.*, the latter be adopted in both rules.

3. Under clause A of Rule II, I presume the inam is to be confirmed in the name of the alienee on a jodi of one half the assessment, but is a title-deed to issue from this department to him? If not, in what mode is the payment of the jodi to be guaranteed to the institution? Is the amount to be paid direct to the institution by the alienee, or through the Government?

4. In the event of the alienee resigning the land, some provision would be requisite for securing the interests of the institution.

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From the Survey and Inam Commissioner of Mysore, To the Secretary to the Chief Commissioner of Mysore, General Department, No. 1690, dated Bangalore, 16th December 1876.

With reference to Chief Commissioner's No. 5779—181 of the 13th September last, para 13, calling for any remarks I may have to make on the subject of the amended rules for the treatment of lands alienated from religious institutions—

2. I would suggest that the alteration of date from which enjoyment is to run be changed to 1867 for the reasons given in para 2 of Inam Superintendent's letter to the Secretary, No. 85 of 28th ultimo.

3. And with reference to the ½ jodi payable to the institution under the end of section A of Rule II, I would suggest that the half jodi be paid into the Government treasury in the ordinary manner and that the institution be granted a cash allowance of equal amount payable from the treasury. If this is approved, instead of the words at the end of Rule II, clause A "the jodi or assessment so imposed, &c.," it would be necessary to substitute " the institution receiving a cash allowance certificate for an equal " amount payable from the treasury." I do moreover not see the precise object of the insertion in this rule of the words " during the currency of the existing 30 year's settlement and treated as lands paying " kandayam to Government," as the confirmation of the alienation is I conclude final; if this is the case, it appears to me that these words should be omitted. The amended rule would then run as appended.

4. I do not see any necessity for a provision to meet the event of the alienee resigning the land as suggested in the last clause of the Inam Superintendent's letter No. 85 of 28th ultimo to the Secretary, as in such case the land would naturally revert to the institution. If however, as would be improbable,

the resignation occurred after the land had been confirmed to the alienee on half jodi, it would of course revert to Government, as the confirmation on half jodi and grant of an equal cash allowance to the temple would have entirely severed the land from any connexion with the temple.

Amended Rule II, Clause A.

When such alienations were made prior to the 31st January 1853, but within 50 years from 1867, the lands or villages so alienated will, if not restored voluntarily by the holder, be confirmed and subjected to a jodi of one half the assessment, the institution receiving a cash certificate for an equal amount payable from the treasury.

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From the Offg. Secretary to the Chief Commissioner of Mysore, To the Secretary to the Government of India, Foreign Department, No. 12966—R. 186, dated 21st March 1877.

I am desired by the Chief Commissioner to submit for the consideration and approval of His Excellency the Viceroy and Governor General in Council, the annexed draft rules which have been framed in communication with the Inam Commissioner in Mysore, with the object of providing for the restoration to religious and charitable institutions of such inam lands as have been unauthorizedly alienated by the managers and thus passed into the enjoyment of parties who had no connection with the temple or other institution in favor of which the grants were originally made.

2. In such cases the inams were, under Rule V of the Land Inam Rules sanctioned by the Government of India in Foreign Department No. 333, dated 17th October 1868, confirmed to the institutions referred to, subject to the conditions of the original grant being fulfilled, and the alienations declared invalid. In the case of village service grants, the alienations have been recognized, if made prior to the date of the (Chief) Commissioner's Notification dated 9th September 1835 (copy annexed); but as regards religious and charitable institutions the practice has been not to recognize alienations by mortgage or otherwise. It has thus become necessary to restore the inam lands in certain cases to the institutions for whose benefit they were originally assigned, and the rules now submitted are designed to guide the Inam Settlement Department in giving effect to their intention.

3. The rules propose to deal principally with three classes of cases :—

I. Lands held for 50 years and upwards with or without titles.

II. Alienations made prior to 31st January 1853 but within 50 years, computing the period of possession up to 14th December 1867, the date on which the Land Inam Rules were promulgated.

III. Alienations made subsequent to 31st January 1853.

4. Under the first head it is proposed to confirm the inams to the present holders and to exclude them from the title deed granted to the religious institutions.

5. With regard to the 2nd head, I am to state that by a Notification issued by Sir M. Cubbon, under date the 31st January 1853, the alienation, by mortgage, of lands allotted by the State for the maintenance of temples, &c., was declared invalid and the mortgagors were allowed a year's grace to redeem the lands. Clause A of Rule II proposes to deal with cases in which no such redemption had taken place, by confirming the inams to present holders subject to payment of a jodi of one half the assessment, provided the lands or villages alienated are not voluntarily restored to the institutions to which they belong.

6. The Inam Commissioner suggests that the half jodi should be paid by the alienee into the Government Treasury and that a cash allowance of equivalent amount should be granted to the institution by Government. The Chief Commissioner is of opinion that such an arrangement might perhaps have the effect of virtually binding the Government to pay the allowance unconditionally, whether the jodi is recovered or not. It is therefore considered advisable that the alienee should be held liable to pay the jodi to the institution direct. The rule has been framed accordingly.

7. As the alienee holds the inam in trust, as it were, for the institution concerned, in the event of his resigning the land, it will of course revert to the institution. A clause to this effect will be added in the title deed to be granted by the Inam Department.

8. With regard to alienations made subsequent to the issue of the prohibitory order of 31st January 1853, it is proposed summarily to restore the lands so alienated to the institution if the alienee after due notice refuses to do so voluntarily.

9. The other provisions of the draft rules call for no special remarks.

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*Proceedings of the Chief Commissioner of Mysore, Department of Revenue, Agriculture and Commerce, 17th November 1877.*

Draft Rules.

I. All inam lands granted to religious and charitable institutions, and for the maintenance of persons rendering service therein, will be confirmed and continued to them, so long as the conditions of the grant are duly fulfilled.

II. Whenever it is found that such lands are diverted from the object for which they were granted, by means of sale, gift, mortgage or otherwise, the following rules shall be observed :—

A. Where such alienations were made prior to the 31st January 1853 but within 50 years computing the period of possession up to 14th December 1867, the lands or villages so alienated will, if not restored voluntarily by the holder, be confirmed and subjected to a jodi of one half the assessment ; the jodi or assessment so imposed being payable direct to the institution from which they were alienated.

B. In the case of alienations made subsequent to 31st January 1853, a notice will be issued to the alienee or alienees requiring him or them to restore the lands to the institution to which they belong, within 6 months from the date on which the notice is served on the alienee or alienees, or his or their agent or manager who may be in charge of the lands, and on default of compliance, the lands will be summarily resumed and restored to the institution by the Revenue authorities under instructions from the Inam Superintendent.

C. In the case of a simple mortgage or hypothecation of the inam lands, without possession, the transaction will be declared null and void in so far as it is intended to create a lien on the lands or to treat them as security for the loan advanced.

III. Lands held for 50 years and upwards, with or without titles, computing the period of possession up to 14th December 1867, will be confirmed to the holders on the terms prescribed in the Land Inam Rules, and will not be included in the title deed granted by the Inam Department to the religious institutions.

IV. The alienations, whether made in favor of disciples of the institution or others unconnected with it, will be treated alike, and disposed of under these rules.

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Notification, dated the 9th September 1835.

Certain emoluments derived from lands, from fees in money or grain, and from other sources having been annexed by the Sarkar to Shanbhogs and other village offices, as compensation for the performance of public services, and it being necessary that those emoluments shall in no case be separated from the offices to which they have been annexed—

1. It is hereby declared that all emoluments of the nature above enumerated shall be considered as inalienable from the offices to which they are annexed, whether by mortgage, sale, gift or otherwise, and that they shall not be liable to attachment or other process in satisfaction of judicial decrees.

2. Provided however that the foregoing rule shall not be held to have retrospective effect, so as in any wise to injure the interests of present incumbents or holders of *mirasi* lands which they may have come into the possession of by sale and gift.

3. But all such lands held in mortgage, or in any other way than by sale and gift, shall be finally disposed of or redeemed by the *mirasi* proprietors within six months from the date of these rules being promulgated in their respective taluks, at the expiration of which period the names of the individuals whose claims to the office may be finally determined under the above arrangements, shall, if they be found qualified for its duties, be registered in the Taluk Cutcherry ; but in failure of any such arrangements having been made within the time specified, such offices will be deemed to have lapsed or escheated to the Sarkar, to be disposed of as it may direct.

4. In cases in which the Shanbhog's office is held by two or more individuals as co-parceners, or sharers, a mutchalika shall be taken from the whole, holding themselves jointly and individually responsible for the due and honest discharge of its duties, on the penalty of the forfeiture of the *mirasi* on the convicted misconduct of any one of the joint partners.

5. It is further declared that, while village offices are, as a general rule, to be considered hereditary and to be enjoyed by father and son in succession, it is to be understood that in any case wherein it may appear to the Superintendents of Divisions that the hereditary claimant to the office is unfit or unworthy from incapacity or bad character, it will rest with the Superintendents to reject his claim and to appoint another person properly qualified in all respects, preference being given to a near relation of the late mirasidar.

6. Claims to succession to, or to the possession of hereditary village offices, as above, are not to be cognizable by any of the courts of judicature.

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From the Officiating Under-Secretary to the Government of India, Foreign Department, To the Chief Commissioner of Mysore, Revenue, No. 89, dated, Simla, the 13th September 1877.

I am directed to acknowledge your letter No. 12966—R. 186, dated 21st March 1877, submitting draft rules providing for the restoration of inam lands unauthorizedly alienated from the religious or charitable institutions to which they were originally assigned.

2. In reply, I am to say that when under Rule III a grant of land is confirmed, the proprietary rights in which also belonged to the temple, and which have also been alienated, these rights should be confirmed to the present holders, but subject to full assessment. Such a grant no longer belongs to the institution to which it was originally assigned, while the fact of this assignment constituted the only title to the grant being held revenue free.

In other respects, the Honorable the President in Council is pleased to approve the rules submitted in your letter under reply.

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From the Secretary to the Chief Commissioner of Mysore, To the Secretary to the Government of India, Foreign Department, General No. 6534—Rev. 87, dated Bangalore, 9th October 1877.

I am directed to acknowledge the receipt of your No. 89, R., dated 13th September 1877, conveying the approval of His Honor the President in Council to the rules* submitted with my letter No. 12.966—186, dated 21st March last, with the exception of Rule III, to which objection is taken on the ground that when a land, dedicated to a religious or charitable purpose, is alienated, the alienee is no longer entitled to its enjoyment rent free, but that his rights should be confirmed subject to payment of full assessment.

* On the subject of providing for the restoration of inams unauthorizedly alienated from the religious or charitable institutions to which they were originally assigned.

2. The concession proposed by Rule III is, I am desired to state, to be granted only in those cases in which the alienee is proved to have been in possession and enjoyment of the inam for more than 50 years prior to 1867, a period of enjoyment which, even under the Land Inam Rules now in force, is deemed sufficient to render the inam valid.

3. In the case of service inams all alienations made prior to 1835 are also held valid and confirmed to the alienees.

4. Under clause A of the proposed Rule II (which has been approved by Government) inams alienated prior to 31st January 1853 but within 50 years computing the period up to 14th December 1867, are also allowed to be confirmed on ½ quit-rent.

5. While thus the rights of alienees, who have been in enjoyment of their inams for a period less than 50 years, are to be recognized and confirmed on ½ quit-rent, it would seem to the Chief Commissioner that an alienee who has been in possession for more than 50 years should not be subjected to the penalty of having his holding fully assessed.

6. If His Excellency the Viceroy and Governor General in Council will be pleased to reconsider the decision communicated in your present letter, in the light of the above remarks, the Chief Commissioner would recommend that Rule III be retained in the form submitted in my letter of 21st March last above quoted.

*Proceedings of the Chief Commissioner of Mysore, Department of Revenue, Agriculture and Commerce, 17th November* 1877.

From the Offg. Under-Secretary to the Government of India, Foreign Department, To the Chief Commissioner of Mysore, Revenue, No. 105, dated Simla, the 29th October 1877.

In reply to your Secretary's letter No. 6534—R 87, dated 9th October 1877, I am directed to say that, in consideration of the circumstances now urged, the Governor General in Council is pleased to accept your proposal that Rule III of the draft rules inclosed in your No. 12966—186, dated 21st March 1877, should be retained in the form originally submitted.

No. 7483 —24, DATED BANGALORE, 17TH NOVEMBER 1877.

ORDER.—Ordered to be communicated to the undermentioned officers for information and guidance.

2. Ordered also that the following Notification be published for general information.

T. CLARKE,
*Secretary.*

To—The Survey and Inam Commissioner of Mysore.
„ Commissioners of Divisions.
„ Superintendent of Inam Settlements.
„ Deputy Commissioners of Districts.

NOTIFICATION.

*The 17th November* 1877.

Under the sanction of the Government of India, conveyed in their letters Nos. 89, R, and 105, R, dated 13th September and 29th October 1877, respectively, the following rules providing for the restoration of inam lands unauthorizedly alienated from the religious or charitable institutions to which they were originally assigned, are published for general information:—

I. All inam lands granted to religious and charitable institutions, and for the maintenance of persons rendering service therein, will be confirmed and continued to them, so long as the conditions of the grant are duly fulfilled.

II. Whenever it is found that such lands are diverted from the object for which they were granted, by means of sale, gift, mortgage or otherwise, the following rules shall be observed :—

A. Where such alienations were made prior to the 31st January 1853 but within 50 years computing the period of possession up to 14th December 1867, the lands or villages so alienated will, if not restored voluntarily by the holder, be confirmed and subjected to a jodi of one half the assessment ; the jodi or assessment so imposed being payable direct to the institution from which they were alienated.

B. In the case of alienations made subsequent to 31st January 1853, a notice will be issued to the alienee or alienees requiring him or them to restore the lands to the institution to which they belong, within 6 months from the date on which the notice is served on the alienee or alienees, or his or their agent or manager who may be in charge of the lands, and on default of compliance, the lands will be summarily resumed and restored to the institution by the Revenue authorities under instructions from the Inam Superintendent.

C. In the case of a simple mortgage or hypothecation of the inam lands, without possession, the transaction will be declared null and void in so far as it is intended to create a lien on the lands or to treat them as security for the loan advanced.

III. Lands held for 50 years and upwards, with or without titles, computing the period of possession up to 14th December 1867, will be confirmed to the holders on the terms prescribed in the Land Inam Rules, and will not be included in the title deed granted by the Inam Department to the religious institutions.

IV. The alienations, whether made in favor of disciples of the institution or others unconnected with it, will be treated alike, and disposed of under these rules.

"By Order,"
T. CLARKE,
*Secretary.*

1877.

# GOVERNMENT OF MYSORE.

## REVENUE.

*To*

THE SURVEY AND INAM COMMISSIONER.
„ COMMISSIONERS OF DIVISIONS.
„ SUPT. OF INAM SETTLEMENTS.
„ DY. COMMISSIONERS OF DISTRICTS.

*Dated November 17th.*

*Despatched*

*Received*

No. 7483.
24.

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Communicates correspondence, conveying approval of the rules for the restoration of inam lands unauthorizedly alienated from the religious and charitable institutions, and the publication of a Notification in the *Mysore Gazette* for general information.

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~~LR45-87-2~~ 1878

From, LR45-77-1

The Survey & Settlement Commissioner

Mysore.

To,

The Secretary to the Chief Commissioner,
Revenue
~~General~~ Department.

Dated Poona 2nd September 1878.

Despatched

Received

6-2389/54

GR-20 2134/R1061

ENCLOSURES No. 1

General No. 957
No.

The Enam and Survey Commissioner begs to express his entire concurrence with the proposals made in the enclosed letter from the Enam Superintendent which are in entire accordance with the views the Enam and Survey Commissioner has always advocated namely that the business of an Enam

Tarkeshwar M. Chandrayan
on 19/11/78

Commission is to decide what claims for alienation of Revenue are recognized as good against Government leaving the claimants to agree among themselves as to respective shares or in case of difference to refer their differences to the Civil Courts. As long as the Enam Department was vested with judicial power to decide upon the respective shares of shareholders, an enquiry into and record of shares was of course indispensable, but that power having been taken away, and most expediently, in 1872 all notice of shares is unnecessary. It is at present the practice to record stated shares and whether admitted or disputed, that of course takes time and is of no practical use.

2 In Para 3 the Enam Superintendent shows that there is small risk of the reversionary interests of Government suffering

suffering from the non record of shares by the Enam Department at any rate if risk there is, it does not appear that it will be materially greater than it is at present.

D Clarkson

Enam & Survey Commissioner
Mysore

No 5557 & 17th October 78

R 178 May three be printed?

0.31 / 10

Cal 6651/55 Order thereon

d/ Bangalore 17 October 1878

Letters from the Asst Commissioner Nos 956 and 957 of 2d September 78.

LR45-77-2

With the above, the Asst Commr submits certain proposals made by the Asst Supte for simplifying the Procedure for the settlement of the Inams remaining to be investigated & on a consideration of these proposals he makes 2 main suggestions for orders.

2. The settlement remains to be made only in the 12 Talooks of the Mysore and in 8 Talooks of the Nagara District, besides one Talook of the Bangalore District. The proposal of the Asst Supte that the Depte should complete the settlement of the minor Inams as well as of the

entire villages and of all
kinds is the F.C. considers
quite proper.
3. It is proposed to
dispense with the investigation
and record of shares and
of the heirs to present
holders, and even with
the presence of the Sharedars,
and of written statements
of their claims from them.
4. The record of heirs
is unnecessary in the
Mysore settlement where
in Mysore division
it does not affect the
rate of Land-rent, and
it may well, therefore be
dispensed with. The
record of shares, however,
is a necessary part of any
settlement. It is merely
a settlement of the rights
of Govt, and not a
judicial settlement of the
rights between parties

and would not, therefore preclude the future entertainment of claims by the Civil Courts. What is required is simply a record of the ordinarily recognized shares and shareholders as now existing, such as is readily ascertainable from accounts, and from the village and Talook Officials present. There is no reason why this should involve more difficulty, labor and time than the ordinary annual jamabundy settlement of the far more extensive assessed lands, and there is no need for dispensing with the presence of the Shanbogs or their written statements. The presence of the

principal Inamdar or Inamdars would however suffice to give the necessary information, and to conclude the settlement. The Chief Commr would not lay down any arbitrary Rules, but would give to the Settlement Officer every latitude in regard to the Course of procedure, with a view of expediting the settlement, whilst strictly adhering to the principles laid down by the Settlement Rules.

5. The rules in Chief Commrs Proceedings No $\frac{7483}{24}$ dated 17th November 1877 sanctioned by the Govt of India in regard to the treatment of the alienations of Inam lands of religious

and charitable institutions
would seem unnecessarily to sanction such alienations made up to 1853. It may be worthy of consideration whether the settlement for the whole of such loans should not be made with the holders or trustees of the institutions, leaving the resumption of the alienations for separate treatment hereafter under the ordinary rules.

4. The Chief Commr will be glad of the Loan Commrs and Supts views on this subject

5. With such simpler procedure, and a select agency Mr. Gibbon would hoped that it may be

found possible to complete
the District settlements
in a short period say
within six months or so.
The Settlement Officer or
Asstt. Commr should proceed
from Taluk to Taluk
where the assistance of
the Amildar or Sheristedar
and Account Establishment
should be placed at his
disposal for the time as
is done in the case of
the Jamabundy Officer.
A portion of the Establish
=ment might proceed
to the next Taluk to
get matters ready and
to get the statements
off the Shanbogs in proper
form. The Shanbogs
who may fail to appear
in one Taluk may

be taken in the next and if their absence is prolonged, the settlement may be made on the information available in the public records, and enquiry of the Taluk and village officers noting the circumstance in the Register. In this manner the settlement of a Taluk need not occupy more than from 15 to 30 days. Each officer may thus settle 600 or more cases in a month instead of 300 as at present. It may be well that the officers after receiving instructions from the Dram Supts may be attached to the respective Districts, in order that they may

have greater influence in obtaining the attendance of Enumerators and others.

8b The Head Office must of course last longer to prepare the final Registers and to wind up the work. ~~The Superintendent should negotiate his Establishment as needed for this work~~ but It may be well to consider whether the printing of the Registers, when numbers present themselves is necessary. ~~It must involve Considerable Expense.~~

9 The Supt in para 4 of his Memo of 12th February 1898 refers to a Register Form 2 which he has to furnish to the Survey Dept shewing the area and assessment of every

village from 1799. which
he observes. Constitute
almost an assessment in
itself. The Chief Commr
does not clearly see any
necessity for this register.
The excess in the Inams
may be allowed to the extent
of the excess found on the recorded
area of the assessed lands
at the time of the survey
settlement, and this
information the Survey
Dept[e] are in possession
of — This settlement of
claims is necessarily based
upon a general estimate,
and
Mr Gordon thinks
that a general examination
of the registers by the
Supt[e] to see that the
decisions are in accordance
with the rules and

that there is no obvious irregularity should suffice. No alteration of the principles of the Settlement being intended, the Chief Comm^r considers does not delay matters by a reference to the Govt of India on a point of mere procedure.

9

Secretary

To The Asst Survey Comm^r
of Survey returning Enclosures of his letters.
The Supdt of the Asst
Settlements
"
"
"

LR 45-77-6

O.3870.
66

1877-78

From The Superintendent of Inam Settlements

To

Secretary to Chief Commissioner, General Department.

~~LR 45-87-6~~ Inclosure

Dated 22 } November
Despatched 26 }
Received 27 }

ENCLOSURES NO. 1

General No. 72 } 1878-79
No. 1

This No. 6651/D558 of the 18th Instant.

With reference to the above have the honor to Submit a copy of Inam Superintendent's letter No. 53 dated 21st Instant to the Inam Commissioner on the Same Subject

Supt. of Inam Settlements

27-11-78

This is a copy

From
The Superintendent
Inam Settlements
To
The Inam Commissioner
Poona
Dated 21st November 1878
No. 53

In returning the enclosures of your No. 1295 of the 15th Instant, I have the honor to Submit the following remarks, for the consideration of the Chief Commissioner, on his Proceedings No. 5557/128 of the 17th Ultimo

2. The Taluk in the Bangalore District, Doddballapur, has been Completed, and Mr. Syed Nasaruddeen has commenced the Settlement of the Mandya Taluk in the Mysore District. Three of the 8 Taluks alluded to, in the Hafeam district have also been completed leaving

1 Bélûr under Settlement
2 Manzarabad

3 Arkalgode

4 Attikuppah under Settlement

5 Nagamangala

33 With regard to the record of the Shares, the minor Share holders have never been recog= nized by the Government and no record of their Shares has ever existed. Indeed, in very many instances the names of holders long since deceased are still borne on the accounts. However, a note of the Shares as now enjoyed can be made out, as directed in para 4 of the Chief Commissioner's Proceedings, leaving any error that may be made by the wilful = absence of the Shareholder to be rectified through the Civil Courts

4 The Procedure laid down in

in para 5 of the Proceedings under reference can be easily adopted; but the Amildars of the Talukes must be made to distinctly understand that they are responsible for the due and prompt attendance of the Inamdars and Shanbongues, as also for the correct preparation of the Register No. 2, on which the Settlement is, to some Extent, based. This Register gives the present extent of the land enjoyed as Inam, the name or names of the present enjoyers, and the Condition of each Inam &c.

5 I would Specially bring to notice the exertions of the Amildar C. Venkatramiah of the Mudagere Taluk, during my recent settlement, in ensuring the attendance

of

of

1 The Mandé Potail

2 The Nád Potail

3 The Village Potail

4 The Inámdar

5 The Wargdar

6 The Pujári, Manager &c.

I was thus enabled to Settle as many as 72 cases in one day under the new procedure. The Register No. 2 was also complete and ready. Whilst in the Attikuppah Taluk, the Register No. 2 has not been completed to this day, and is really being made out by the Inam Officials as the Settlement progresses.

6 In the Manzarabad Taluk, I found that the Sheristadar Venkat-ramaniah had prepared the rough draft of the Register, for 6

out

out of the 8 Hoblies, whilst in this Taluk the Amildar, Venkatrangiengar, had the whole of the rough returns properly prepared, and had entered 3 Hoblies in the printed Form of Register No. 2. —

7. I have Sent the Register No. 2 to all the Amildars of the Mysore District with detailed instructions; and, allowing for the next 4 weeks to prepare it and for the Xmas holydays, I am also of opinion that the out-door work of this Settlement can be brought to a close in 6 months from January next, providing Some of the Talukes are allotted to the Sub-Divisional Officers, as lately proposed by Mr. Gordon. If the Officers be attached to the respective

Districts

Districts," I presume that their position with regard to the Supt. would be defined.

8 I would only advocate the printing of the Quit rent and Resumption Registers of each Taluk, as forming the record of the Settlement in supersession of all the Huzur and Stall Inámti Accounts of last days. The remnants of the Head Office would, I presume, eventually merge into the Daftar Department of the Chief Commissioner's Office

9 With reference to Form II alluded to in para 7 of the Proceedings under reference, the Superintendent of Revenue Survey has recently dispensed with it for the Maidan Taluks. It contains the old

recorded

recorded area and berij of each Village of Purnia's time, to which the enquiry of the Survey Settlement does not extend.

10 I do not feel quite sure of the meaning of the opening words of para 8 of the Proceedings. The Settlement of the Inam claims is not based upon a "general estimate" but upon the actual entries of area and assessment in the Inami accounts of 1799 to 1810 and subsequent recognized Jari and Atall Inami accounts and each case is carefully gone through and confirmed by me and is again checked in the Central office before the Title deeds are prepared

11 I would fully Concur in the remarks made by the

Chief

Chief Commissioner, as regards the alienation of "Devàdáya" Inams, in the last para of the Proceedings. The alienations and orders thereon might be recorded in the remaining Talukas by the Settlement Officer and their due enforcement be left to the Deputy Commissioners of the Districts.

I have the honor to be
Sir
your most obedient Servant
(Signed) Rob Cole

Supt. of Inam Settlements

"True Copy"

Supt. of Inam Settlements

LR45-77-15 (12)

35

6.660/15 From

9L2w 1083 R514

No. 306 of 1879

LR45-77-4

Colonel W. B. Anderson

Survey and Settlement Commissioner

Mysore

To

The Secretary to the Chief Commissioner

of Mysore

Survey Commissioner's Office

Bombay 3rd April 1879

Sir,

I have the honor now to forward the following report upon the matters referred in Chief Commissioner's order No. 5557/128 of the 17th October last on the subject of the mode of simplifying the finishing up of Inam Settlement work.

2nd Para 4. My opinion was that a record of shares of Inams under

it could be authoritative and correct was a useless addition to the work of the Inam Department and I see no reason whatever to change that opinion. But I have arranged that thee shares as stated to be at present enjoyed shall be recorded. This will not materially add to the work to be done.

3rd. With reference to Para 6 the Inam Superintendent advocates the printing the Quit Rent and Resumption Registers of each Taluka which form the final record of the settlement in supercession of all the old records bearing on the subject. As so much has been already printed I think

it.

it would be well and safe to continue the printing of these records to the end.

4th. With reference to Para 7. The supplying Form II referred to therein has been for some time back discontinued for all Talukas in which the old records and grants are in defined areas, but the Settlement Department might ultimately be in difficulty in regard to those Talukas in which the old records are "Bijwari" unless a trustworthy statement of the Bijwari record of Purneah's time was available when on the spot in the Taluka it does not take any serious amount of time for the Inam Assistant to obtain the preparation of this.

5th Para. The Inam Superintendent gives his full concurrence with the opinion expressed in the 9th Para of the order under consideration in reference to the alienations of religious and charitable institutions and on this point I fully concur

6th Para. One material condensation of procedure occurred to me which was by so recording the minor Inams and their settlement that an extract from the register in which they are recorded should supply both the interim and the final Title Deed. Hitherto the form of title deed for whole Inam villages and the most petty Inam of possibly only a few

annas

10.th My Memo dated 16th Decemr
last on the subject of closing up the
Inam Commission which received the
Chief Commissioner's concurrence disposes
of the other points referred to.

your obedient servant,

Inam, Survey & Settlement Commissioner
Mysore

Register of Minor Inams confirmed in the Taluka of

| | | |
|---|---|---|
| 1 | 1 Taluk<br>2 Hobli<br>3 Village | |
| 2 | Serial Number | |
| 3 | Name of Inamdar | |
| 4 | Description of Inam | |
| 5 | Conditions of Grant | |
| 6 | Description of Land | |
| 7 | Old Field Number | |
| 8 | Old extent | |
| 9 | Former assessment | |
| 10 | Old extent | Total |